

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDELTON DIVISION

**SHAWN RICHARD MONRO,**

Plaintiff,

No. 2:20-cv-00866-SU

v.

OPINION AND ORDER

**LISA CAIN; JEFF MOURA; JOE E.  
CAPPS,**

Defendants.

**MOSMAN, J.,**

On August 10, 2021, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F. & R.”) [ECF 28]. Judge Sullivan recommends that I grant in part and deny in part the Motion to Dismiss filed by Defendants Lisa Cain, Jeff Moura, and Joe E. Capps [ECF 22]. Objections were due on August 24, 2021, but none were filed. I agree with Judge Sullivan.

**STANDARD OF REVIEW**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court


is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Sullivan's recommendations, I ADOPT her F. & R. [ECF 28] as my own opinion, and I GRANT Defendants' Motion to Dismiss in part and DENY Defendants' Motion to Dismiss in part [ECF 22].

IT IS SO ORDERED.

DATED this 21 day of September, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge